

REMARKS

In the Office Action¹ dated September 21, 2005, the Examiner rejected claims 1-6, 8-12, 14, 26-28, 30-36, and 38 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,790,939 to Malcolm et al. ("Malcolm") in view of U.S. Patent No. 6,449,219 to Hepp et al. ("Hepp"); rejected claims 7 and 29 under 35 U.S.C. § 103(a) as being unpatentable over *Malcolm* in view of *Biggs*², and further in view of U.S. Patent No. 6,889,246 to Kawamoto et al. ("Kawamoto"); and rejected claims 13 and 37 under 35 U.S.C. § 103(a) as being unpatentable over *Malcolm* in view of *Biggs*³, and further in view of U.S. Patent No. 6,628,974 to Lim ("Lim").

Applicant has amended claims 1 and 26 to more appropriately define the present invention and has amended claims 3, 4, 8, 11, 28, 29, 31, and 35 to correct minor errors. Claims 1-14 and 26-38 remain pending and under current examination.

Applicant respectfully traverses the rejection of claims 1-6, 8-12, 14, 26-28, 30-36, and 38 under 35 U.S.C. § 103(a). The prior art cited by the Examiner, *Malcolm* in view of *Hepp*, does not teach or suggest each and every element of claims 1-6, 8-12, 14, 26-28, 30-36, and 38. A *prima facie* case of obviousness has, therefore, not been established.

Claim 1 recites a combination including, for example:

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

² The Examiner indicated that *Biggs* is used as prior art to reject claims 7 and 29. Applicant assumes that the Examiner meant to use *Hepp* and will address the rejection as *Malcolm* in view of *Hepp* and further in view of *Kawamoto*.

³ The Examiner indicated that *Biggs* is used as prior art to reject claims 13 and 37. Applicant assumes that the Examiner meant to use *Hepp* and will address the rejection as *Malcolm* in view of *Hepp* and further in view of *Lim*.

a plurality of hand held terminal devices that acquire and process said watch information, the watch information including clock appearance data;

... display means for displaying said watch information on said plurality of hand held terminal devices;

wherein said watch information is displayed on said display means of said plurality of hand held terminal devices as a video image that depicts at least a current time.

(emphasis added). *Malcolm* does not teach or suggest at least these elements.

Instead, *Malcolm* teaches burst timing synchronization in system 20 minimizes the bandwidth consumed by inter-burst guard times and allows non-interfering communication between disparate gateway earth stations 26 and mobile terminals 22 (column 7, lines 15-21). This timing synchronization is designed to overcome timing errors introduced by doppler due to satellite motion (column 7, lines 45-47). Further, each element in the network 20 adjusts its transmit burst timing so that signals arrive at the satellite 24 with identical frame timing (column 7, lines 52-56).

The information that is distributed between the satellite and the mobile terminals is not displayed by a display means. The frame timing offset, shown in Figure 4 of *Malcolm*, highlights the procedure for compensating for frequency offsets due to satellite motion. Figure 4 shows the delay of the signals between the mobile terminals (MT) and the satellite, and this transmitted information is not displayed by display means 64 as asserted by the Examiner (Office Action at page 2). Reference 64 is an I/O interface including a keypad for data entry, a display, a data port, and a smart card interface (column 6, lines 13-17). There is no teaching that this I/O interface displays watch information including clock appearance data as a video image that is distributed from an information distribution apparatus to said plurality of hand held terminal devices.

According to the Examiner, *Hepp* teaches “a system and method for customizing time display including language, [and] multi media/video” (Office Action at page 2). The Examiner asserts that it would have been obvious to incorporate the display design system and/or method of *Hepp* with *Malcolm* “for the purpose of presenting a unique and personalized time display sequence on a display device” (Office Action at page 3). Applicant respectfully disagrees. *Hepp* teaches creating a computer based timepiece that represents the time of day on an optoelectronic display by using a dynamic representation including the timepiece and the time of day on the one hand and additional information generated by an animation program (column 1, lines 57-67). The display in the timepiece of *Hepp* does not come from a system for distributing watch information comprising “a plurality of hand held terminal devices that acquire and process said watch information, the watch information including clock appearance data ... wherein said watch information is displayed on said display means of said plurality of hand held terminal devices as a video image that depicts at least a current time.”

Furthermore, one skilled in the art would only arrive at the present claimed invention by consulting Applicant’s disclosure, yet “[t]he teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant’s disclosure.” M.P.E.P. § 2142, internal citations omitted. Relying on the Applicant’s own disclosure in an attempt to provide some teaching or suggestion to combine *Malcolm* and *Hepp* constitutes improper hindsight reasoning.

The references themselves contain no suggestion or motivation to modify or combine them as suggested by the Examiner. One of ordinary skill in the art would not

combine *Malcolm* and *Hepp* in view of the inconsistencies in the references. *Malcolm* is directed to “a method of synchronizing a transmitted frame timing in a mobile satellite communication system” (column 2, lines 13-15). *Hepp* is directed to “a timepiece with a computer based clock, where the representation of the time takes place on the optoelectronic display (column 4, lines 46-49). Moreover, even if these references could be combined, neither *Malcolm* nor *Hepp* teach “a plurality of hand held terminal devices that acquire and process said watch information, the watch information including clock appearance data ... wherein said watch information is displayed on said display means of said plurality of hand held terminal devices as a video image that depicts at least a current time”, as recited in claim 1.

Accordingly, *Malcolm* and *Hepp* fail to establish a *prima facie* case of obviousness with respect to claim 1, at least because the references fail to teach each and every element of the claim and because the references fail to provide motivation for one of skill in the art to combine the references. The rejection under 35 U.S.C. §103 is therefore improper. Claims 2-6, 8-12, and 14 depend from claim 1 and are thus also allowable over *Malcolm* in view of *Hepp*, for at least the same reasons as claim 1.

Independent claim 26, though of different scope from claim 1, recites limitations similar to those set forth above with respect to claim 1. Claim 26 is therefore allowable for at least the reasons presented above. Claims 27, 28, 30-36, and 38 depend from claim 26 and are thus also allowable over *Malcom* in view of *Hepp*, for at least the same reasons as claim 26.

Regarding the rejection of claims 7 and 29, dependent from claims 1 and 26, respectively, the Examiner relies on *Kawamoto* for allegedly teaching “an information

provider records the watch information in an information recording medium, and provides the watch information to a user, and wherein the user mounts the information recording medium on a hand held terminal device, to use the watch information via the recording medium" as required by claim 7, and "wherein the watch information is recorded in an information recording medium, and is provided to a user, and wherein the user mounts the information recording medium to a hand held terminal device to use the watch information via the recording medium" as required by claim 29. Even assuming this assertion is true, *Kawamoto* fails to cure the deficiencies of *Malcolm* and *Hepp* discussed above. *Kawamoto* is directed to a "network system, a network server, and a terminal device that can easily transmit various information to a user" (column 1, lines 35-38) and does not teach the claimed "plurality of hand held terminal devices that acquire and process said watch information, the watch information including clock appearance data ... wherein said watch information is displayed on said display means of said plurality of hand held terminal devices as a video image that depicts at least a current time." Therefore, claims 7 and 29 are also allowable over *Malcolm*, *Hepp*, and *Kawamoto* for at least the same reasons as claim 1.

Regarding the rejection of claims 13 and 37, dependent from claims 1 and 26, respectively, the Examiner relies on *Lim* for allegedly teaching a "plurality of hand held terminal devices are a foldable type, and an opening angle of the plurality of hand held terminal devices is adjusted according to a user's preference" as required by claim 13, and "wherein the plurality of hand held terminal devices are a foldable type, and an opening angle of the plurality of hand held terminal devices is adjusted according to the user's preference" as required by claim 37. Even assuming this assertion is true, *Lim*

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fails to cure the deficiencies of *Malcolm* and *Hepp* discussed above. *Lim* is directed to a "folder operating apparatus for a cellular phone which can achieve a stable opening and closing" (column 3, lines 35-38) and does not teach the claimed "plurality of hand held terminal devices that acquire and process said watch information, the watch information including clock appearance data ... wherein said watch information is displayed on said display means of said plurality of hand held terminal devices as a video image that depicts at least a current time." Therefore, claims 13 and 37 are also allowable over *Malcolm*, *Hepp*, and *Lim* for at least the same reasons as claim 1.

In view of the foregoing remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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